

F. No. 8-58/2017-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 26th November, 2019

To,
The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

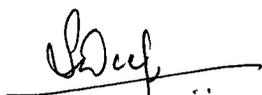
Sub: Diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining.

Sir,

I am directed to refer to the State Government's letter No. 10F (Cons)289/2016/22319/F & E dated 31.10.2017 submitting the above subject proposal for seeking prior approval of the Central Government and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful consideration of the proposal of the State Government of Odisha and on the basis of the recommendations of the Forest Advisory Committee, **In-principle/Stage-I** approval was granted vide this Ministry's letter of even number dated 22.01.2018 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and has requested the Central Government to grant final approval.

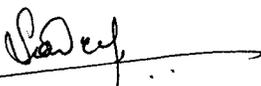
In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Odisha vide their letters No. 17557/9F(MG)-367/2017 dated 14.10.2019 and No. 19361/9F (MG)-367/2017 dated 08.11.2019, **Stage-II/Final approval** of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining subject to following conditions:

1. Legal status of the forest land shall remain unchanged.
2. State Govt. shall ensure that the safety belt of at least 7.5 m along the inner side of the total mining lease area over 2.253 ha (0.737 ha on forest land and 1.516 ha on non-forest land) will be raised and maintained, and no tree will be felled or ground vegetation cleared in the identified safety belt. In addition to the safety belt around the entire mining lease area, 50 m wide strip along Nala course measuring 9.20 ha (8.549 ha in forest and 0.651 ha in non-forest) will be maintained as green zone and 54 Nos of trees above 30 cm girth which have been enumerated in 9.286 ha of forest land coming within safety zone area will be preserved.
3. Compensatory afforestation and soil & moisture conservation activities shall be taken up as per approved plan/scheme by the Forest Department over 43.30 ha. of identified non-forest from the funds deposited by the user agency and at least 1600 tall plants per hectare shall be planted over identified non- forest land (43.3 ha) in pits of size 0.6m x 0.6m x 0.6m with provision for ten years of subsequent maintenance. If it is not possible to plant the above stated numbers of plants in the identified non- forest

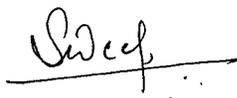

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land then the balance are to be raised over degraded forest land as per working plan prescriptions. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

4. State Govt. shall ensure that out of 14.585 ha of non-forest land within mining lease, 2.167 ha will be maintained as safety zone and remaining 12.418 ha of private land shall not be utilized in any manner for the purpose of mining and related ancillary activities, except 0.081 ha for future Exploration & Utilization, and shall remain untouched. 86 no. of trees present on such land have been enumerated which are to be kept intact at project cost and large number of local species will be planted over this non-forest land which is not under mining scheme. The details of such plantation will be provided to the DFO and the Regional Office of the Ministry for monitoring of such plantations.
5. State Govt. shall ensure that in compliance of the rule 41 of the Mineral Conservation and Development Rules, 1988 the restoration of flora in the entire lease area (58.704 ha) will be done in such a manner so as
 - a. to cause least damage to the flora of the area held under prospecting licence/ mining lease and the nearby areas.
 - b. take immediate measures for planting in the same area or any other area selected by the Controller General or the authorised officer, not less than twice the number of trees destroyed by reason of any prospecting or mining operations;
 - c. look after them during the subsistence of the licence/lease after which these trees shall be handed over to the State Forest Department or any other authority as may be nominated by the Controller General or the authorised officer; and
 - d. restore, to the extent possible, other flora destroyed by prospecting or mining operations.
6. State Govt. shall ensure that the details of such number of trees to be felled on forest as well as non-forest area in the lease and plantation of double the number of trees in the lease area or outside will be provided to the Divisional Forest Office, Rayagada and the Regional Office of the Ministry for monitoring of such plantation .
7. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
8. State Govt. shall ensure that the State Forest Department will implement the approved Site-specific Wildlife Conservation Plan and Regional Wildlife Management Plan from the from the funds deposited by the user agency.
9. State Govt. shall ensure that the lessee has to carry out reclamation of the ML area as per the provision of the approved reclamation plan. Any change in the existing Mining Plan, as approved by the competent authority, will be compulsorily informed to the State Forest Department and the Regional Office before actual change on the ground. The State Government and the Regional office will examine and give concurrence/ comments within a 30 working days from the date of submission with recommendation, if any, which will be binding on the user agency.
10. The period of diversion of the said forest land shall be co-terminus with the period of the mining lease granted under the Mines and Minerals (Development & Regulating) Act, 1957 or Rules framed thereunder.
11. State Govt: shall ensure that the following activities shall be implemented by the user agency at the project cost :
 - (a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department.
 - (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;


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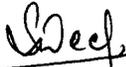
- (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
 - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
12. State Govt. shall ensure that State Forest Department shall implement the approved plan for fencing, protection and afforestation of the safety zone area (7.5 meter strip shall be kept within the mining lease or mining cluster, as applicable and such other areas as specified in the approved mining plan) from the funds provided and deposited in CAMP account. Area of safety zone of a mining lease shall be a part of the total area of the mining lease.
 13. State Govt. shall ensure that the User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 14. State Govt. shall ensure that no labour camp shall be established on the forest land and the the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
 15. State Govt. shall ensure that the boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
 16. State Govt. shall ensure that the layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
 17. State Govt. shall ensure that the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 18. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 19. State Govt. shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 20. State Govt. shall ensure that the State Forest Department shall carry out gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease. The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area.
 21. State Govt. shall ensure that the concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the concern Dy. Director General (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.
 22. State Govt. shall ensure that the User Agency shall regularly carry out desilting of identified village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies.
 23. State Govt. shall ensure that the User Agency shall submit the annual self compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
 24. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive


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guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

25. State Govt. shall ensure that any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority, from time to time, in the interest of conservation, protection and development of forests & wildlife;
26. State Govt. shall ensure that the user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
27. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. The State Government shall ensure compliance of all the above conditions.

Yours faithfully,


(Sandeep Sharma) 26.11.19

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer (FCA), O/o the PCCF, Government of Government of Odisha, Bhubaneswar.
3. The Dy. Director General (Central), Regional Office, Bhubaneswar
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC
6. Guard File